

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION

FEDERAL INSURANCE COMPANY,)
PACIFIC EMPLOYERS INSURANCE)
COMPANY, ACE AMERICAN)
INSURANCE COMPANY, ACE)
PROPERTY AND CASUALTY)
INDEMNITY INSURANCE COMPANY)
OF NORTH AMERICA, and)
WESTCHESTER FIRE INSURANCE)
COMPANY,)

Plaintiffs,)

v.)

SHAW INDUSTRIES, INC.,)

Defendant.)

and)

FIREMAN'S FUND INSURANCE)
COMPANY, et al.)

Nominal Defendants.)

CIVIL ACTION NO.
1:23-cv-01367-RDP

UNOPPOSED MOTION

FIREMAN'S FUND INSURANCE COMPANY'S UNOPPOSED MOTION
FOR EXTENSION OF TIME

COMES NOW, FIREMAN'S FUND INSURANCE COMPANY ("Fireman's Fund"), pursuant to Fed. Rule Civ. P. 6(b)(1)(A), and moves for a 30-day extension of time to January 12, 2024 to respond to the Complaint filed by Federal Insurance Company, Pacific Employers Insurance Company, ACE

American Insurance Company, ACE Property and Casualty Insurance Company, Indemnity Insurance Company of North America, and Westchester Fire Insurance Company (collectively “Federal”). In support of this Motion, Fireman’s Fund states as follows:

1. On October 11, 2023, Federal filed this action for declaratory relief pursuant to 28 U.S.C. Section 2201 (the “Declaratory Judgment Act”). (Doc. 1)
2. On October 23, 2023, Federal’s Complaint was served on Fireman’s Fund.
3. Fireman’s Fund’s response was due by November 13, 2023.
4. Because of the number of insurance carriers involved, including the Nominal Defendants, and the necessity of having all nominal defendants served so that this matter could move forward with judicial efficiency and economy, Fireman’s Fund requested a 30-day extension of time to respond to Federal’s Complaint for Declaratory Judgment, putting its response due on December 13, 2023. (Doc. 18)
5. On November 8, 2023, the Court granted Fireman’s Fund’s request, and Fireman’s Fund response is currently due on December 13, 2023.
6. Counsel for Federal and counsel for Fireman’s’ Fund have worked in cooperation to determine that the Fireman’s Fund policies referred to in this action were not issued to the Shaw Industries, Inc. that is named as a defendant in this

action but were issued to a totally different, distinct, and unrelated “Shaw Industries.”

7. Counsel for Federal intends to file a Motion for Leave to File an Amended Complaint and an Amended Complaint that will not name Fireman’s Fund as a Defendant.

8. Fireman’s Fund requests a 30-day extension of time to January 12, 2024 to respond to the Complaint, which should provide Federal adequate time to file the anticipated pleadings and obviate the need for Fireman’s Fund to file a response to the Complaint.

9. This motion is authorized by Fed. Rule of Civ. P. 6(b)(1)(A). This request is made in good faith and not for the purpose of delay.

10. Additionally, no party will be prejudiced by this extension.

11. Counsel for Fireman’s Fund has conferred with counsel for Federal, and Federal does not oppose the requested extension.

12. Accordingly, Fireman’s Fund respectfully requests a 30-day extension of time to file its response to the Complaint for Declaratory Judgment, with the deadline for its response being January 12, 2024.

Respectfully submitted,

s/ Scott M. Salter

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CERTIFICATE OF SERVICE

I do hereby certify that on December 12, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send electronic notification of such filing to the following counsel of record:

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, and I hereby certify that I have mailed by United States Postal Service the foregoing to the following non-CM/ECF participants:

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